

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 404 AND 405

SECTION 1. AMENDMENT. Senate Rule 404 is amended as follows:

404. FORM OF BILLS - COPIES.

1. Every bill and resolution must be in typewritten form and ~~thirteen~~ at least two copies must be filed with the Secretary.
2. Each bill and resolution must have typed on it the name of each sponsor introducing the bill or resolution.
3. The enacting clause of a bill must be: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".
4. No bill may embrace more than one subject, which must be expressed in its title.
5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments must be underscored. In a bill that contains sections amending existing statutes and sections that will be new law, the portion containing the amendment to the existing statute and all of each section containing new law must be underscored. Any matter contained in the present statute but deleted in the proposed amended statute must be contained in the typewritten bill, but must be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the Senate must be in the form and style the Legislative Council prescribes.
6. The Secretary, upon receiving the copies of a bill or resolution as provided by this rule, shall proceed as follows: (a) If the ~~original~~ covered copy of the bill or resolution has attached to it a notation that the bill or resolution was ~~drafted,~~ ~~retyped,~~ or approved as to form and style by the Legislative Council staff, the Secretary shall number the bill or resolution as provided in Senate Rule 401 and, after first reading and referral, shall distribute the copies as provided in this rule; or (b) If the ~~original~~ covered copy of the bill does not have a notation of ~~drafting,~~

1 ~~retyping,~~ or approval as to form and style by the Legislative Council staff attached,
2 the Secretary shall proceed as provided in Senate Rule 405.

- 3 7. The Secretary, after compliance with this rule and after first reading, shall distribute
4 the copies of a bill or resolution received as follows: The ~~original~~ covered copy
5 and one additional copy must be delivered to the chairman of the committee to
6 which the measure is referred; one copy must be delivered to the President of the
7 Senate; ~~three~~ six copies must be delivered to the Legislative Council; one copy
8 must remain in the custody of the Secretary until otherwise directed by the Senate;
9 except in the case of bills or resolutions printed on order of the Legislative Council
10 pursuant to Senate Rule 406, two copies must be delivered to the printer having
11 the contract for the printing of bills; three copies must be available for
12 representatives of news media; and one copy must be given to the prime sponsor.
13 ~~Any statewide organization or association may be provided a copy of each~~
14 ~~introduced bill or resolution for the payment of a subscription fee established by~~
15 ~~the Legislative Management Committee of the Legislative Council. Orders and~~
16 ~~payments for such bills or resolutions must be placed with the Legislative Council~~
17 ~~before December fifteenth preceding the regular session.~~

- 18 ~~8. The original of each bill or resolution filed with the Secretary must be prepared in~~
19 ~~the form prescribed by the Legislative Council.~~

20 **SECTION 2. AMENDMENT.** Senate Rule 405 is amended as follows:

21 **405. APPROVAL OF MEASURES AS TO FORM AND STYLE.**

- 22 1. When a bill or resolution, with the requisite number of copies, is filed with the
23 Secretary without a notation attached to the ~~original~~ covered copy stating that the
24 bill or resolution was ~~drafted, retyped, or~~ approved as to form and style by the
25 Legislative Council staff, the Secretary immediately shall cause that bill or
26 resolution to be delivered to the Legislative Council office with a written request
27 that the bill or resolution be examined and receive a notation approving its form
28 and style.
- 29 2. When the Legislative Council staff receives a bill or resolution from the Secretary
30 pursuant to this rule, it shall see that the bill or resolution is in the form and style
31 required by law, legislative rule, and the drafting rules promulgated by the
32 Legislative Council.

3. When the Legislative Council staff has ensured that the bill or resolution meets all requirements regarding form and style, the bill or resolution and all copies must be returned to the Secretary with a notation of approval attached to the original.
4. If the Legislative Council staff, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Secretary before expiration of the last legislative day for normal introduction, the Secretary, whenever such an approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

SECTION 3. AMENDMENT. House Rule 404 is amended as follows:

404. FORM OF BILLS - COPIES.

1. Every bill and resolution must be in typewritten form and ~~thirteen~~ at least two copies must be filed with the Chief Clerk.
2. Each bill and resolution must have typed on it the name of each sponsor introducing the bill or resolution.
3. The enacting clause of a bill must be: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".
4. No bill may embrace more than one subject, which must be expressed in its title.
5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments must be underscored. In a bill that contains sections amending existing statutes and sections that will be new law, the portion containing the amendment to the existing statute and all of each section containing new law must be underscored. Any matter contained in the present statute but deleted in the proposed amended statute must be contained in the typewritten bill, but must be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the House must be in the form and style the Legislative Council prescribes.
6. The Chief Clerk, upon receiving the copies of a bill or resolution as provided by this rule, shall proceed as follows: (a) If the ~~original~~ covered copy of the bill or resolution has attached to it a notation that the bill or resolution was ~~drafted,~~ ~~retyped,~~ ~~or~~ approved as to form and style by the Legislative Council staff, the Chief Clerk shall number the bill or resolution as provided in House Rule 401 and, after

1 first reading and referral, shall distribute the copies as provided in this rule; or (b) If
2 the original covered copy of the bill does not have a notation of ~~drafting, retyping,~~
3 ~~or~~ approval as to form and style by the Legislative Council staff attached, the Chief
4 Clerk shall proceed as provided in House Rule 405.

- 5 7. The Chief Clerk, after compliance with this rule and after first reading, shall
6 distribute the copies of a bill or resolution received as follows: The original
7 covered copy and one additional copy must be delivered to the chairman of the
8 committee to which the measure is referred; one copy must be delivered to the
9 Speaker; ~~three~~ six copies must be delivered to the Legislative Council; one copy
10 must remain in the custody of the Chief Clerk until otherwise directed by the
11 House; except in the case of bills or resolutions printed on order of the Legislative
12 Council pursuant to House Rule 406, two copies must be delivered to the printer
13 having the contract for the printing of bills; three copies must be available for
14 representatives of news media; and one copy must be given to the prime sponsor.
15 ~~Any statewide organization or association may be provided a copy of each~~
16 ~~introduced bill or resolution for the payment of a subscription fee established by~~
17 ~~the Legislative Management Committee of the Legislative Council. Orders and~~
18 ~~payments for such bills or resolutions must be placed with the Legislative Council~~
19 ~~before December fifteenth preceding the regular session.~~
- 20 8. ~~The original of each bill or resolution filed with the Chief Clerk must be prepared in~~
21 ~~the form prescribed by the Legislative Council.~~

22 **SECTION 4. AMENDMENT.** House Rule 405 is amended as follows:

23 **405. APPROVAL OF MEASURES AS TO FORM AND STYLE.**

- 24 1. When a bill or resolution, with the requisite number of copies, is filed with the Chief
25 Clerk without a notation attached to the original covered copy stating that the bill or
26 resolution was ~~drafted, retyped, or~~ approved as to form and style by the Legislative
27 Council staff, the Chief Clerk immediately shall cause that bill or resolution to be
28 delivered to the Legislative Council office with a written request that the bill or
29 resolution be examined and receive a notation approving its form and style.
- 30 2. When the Legislative Council staff receives a bill or resolution from the Chief Clerk
31 pursuant to this rule, it shall see that the bill or resolution is in the form and style
32 required by law, legislative rule, and the drafting rules promulgated by the
33 Legislative Council.

3. When the Legislative Council staff has ensured that the bill or resolution meets all requirements regarding form and style, the bill or resolution and all copies must be returned to the Chief Clerk with a notation of approval attached to the original.
4. If the Legislative Council staff, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Chief Clerk before expiration of the last legislative day for normal introduction, the Chief Clerk, whenever such an approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

NOTE: This proposed rules amendment is in response to a request at the July 1, 1999, meeting of the Legislative Management Committee to review the process and propose options to alleviate the crunch at deadline time, including the possibility of reducing the time for stapling and covering bills. This request was in response to a question whether there is a better way to get sponsors and numbers on bills rather than the bill clerk assigning numbers and keying the bill numbers and sponsors in and replacing the first two pages of bills introduced, whether bill covers on two copies are necessary, whether all the copies are necessary, and what can be done to improve efficiency of introducing bills.

Under the current procedure (except for prefiled bills):

1. A legislator requests the Legislative Council office to prepare a bill draft. The legislator receives the completed bill draft which may or may not have a prime sponsor or cosponsors listed, as requested by the legislator. During the interim, the legislator receives two copies. During the session, the legislator receives 15 copies (two more than the number required by Senate and House Rules 404 to be turned in at the front desk for introduction) if the bill draft is more than two pages. If a bill draft is not more than two pages in length, three copies (12 fewer than required) are delivered to the legislator for introduction. The distinction between three and 15 copies was requested by the desk forces of both houses.
2. The legislator may or may not seek cosponsors before introducing the bill draft. The prime sponsor and cosponsors must initial an "introduction" sheet that shows they are approving their names as sponsors.
3. If the legislator introduces the bill draft, the introduction sheet and the copies are given to the bill clerk at the front desk.
4. The bill clerk reviews the introduction sheet, retrieves the bill from the clerk's computerized status system, adds sponsors who are not already listed, and assigns a number to the bill. Other computer systems retrieve this information and place the bill number, sponsors, and title in the journal, and place the bill number, sponsors, and text in the LAWS system, the bill status system, and on the Internet. The bill clerk prints the first two pages for the bill which contains the number and sponsors.
5. Two pages are printed because the copies filed with the bill clerk are printed front-to-back to save paper. When a bill has fewer than two pages, the bill clerk makes 15 copies of the entire bill. When the bill has more than two pages, the first two pages of the 15 copies filed with the clerk are replaced. This requires removing the staples from the copies, replacing the first page, and restapling the copies.

6. The copies are then distributed according to Senate or House Rule 404.

This proposed amendment reduces the number of copies that must be delivered to the bill clerk (and consequently restapled once the sponsors are added). Bill covers have been used to ensure that a bill has been reviewed by the Legislative Council staff for form and style approval and for the front desk force to record the bill status actions on the covers.

These factors were considered in proposing this amendment:

1. When a bill draft is prepared by the Legislative Council staff, the prime sponsor and any cosponsors may or may not be known to the staff or may or may not be placed on the bill draft, depending on instructions from the requesting legislator. In many instances, the prime sponsor seeks cosponsors while bringing the bill to the front desk for introduction. Any change in this procedure raises the issue of when sponsors should be identified on bill drafts. When a bill draft is requested? Before delivery to the requester? Four hours before introduction? Never? Note that any limitation on adding sponsors will not eliminate the need for the front desk to number the bill upon introduction.
2. The bill clerk in each house assigns the number to the introduced bill. Until that number is assigned, the bill is identified only by the computer storage number appearing on the bill. Until a number is assigned, only the bill clerk knows if a bill draft is introduced (not all bill drafts prepared by the Legislative Council are introduced, e.g., only 611 of the 848 bill drafts prepared by the Legislative Council during the 1997-98 interim were introduced during the 1999 session). Also, in a number of instances a bill draft prepared for a member of one house is introduced in the other house. Any change in this procedure raises a number of issues, depending on who assigns numbers, and when.
3. When the bill clerk retrieves the bill from the computer system and adds a bill number, that bill is recorded in the bill clerk's bill status system and becomes available to other systems. Thus, as of introduction, the bill is recorded in the bill clerk's bill status system, the title of the bill appears in the journal, and the text of the bill appears in the LAWS system and the regular bill status system (and thus on the Internet). Before computerization, the bill clerk stamped the number on the bill and maintained written records of introduction, and computer systems were updated the following day once the number was available for staff to enter in the systems. If the procedure is changed to provide for stamping rather than direct entry in the computer systems, the other computer systems will not have the bill title or text available until someone makes the entry.
4. The Legislative Council staff will work with the desk forces in providing more than two copies of bill drafts based on the number of pages in the bill drafts. In 1999, 632 of the 937 bills introduced were under three pages in length, and 781 of the 937 bills were under five pages. To aid in staple removal, the covered copy can be stapled with one staple rather than two.

The deletion of the last two sentences in Senate and House Rules 404(7) reflects the decision of the committee at its May 24, 2000, meeting to eliminate this subscription service, which has not been used since 1995.

The deletion of Senate and House Rules 404(8) removes language that is duplicative of the last sentence of subsection 5 of those rules.